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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/523,407 03/10/00 STRAAYER

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CHARLES J KULAS  
TOWNSEND AND TOWNSEND AND CREW LLP  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO CA 94111

EXAMINER

LEWIS, D

ART UNIT

PAPER NUMBER

2673

DATE MAILED:

06/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/523,407

Applicant(s)  
Straayer et al.

Examiner  
David L Lewis

Art Unit  
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on May 10, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-4 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-4 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5

20) ☐ Other: \_\_\_\_\_

**Title: Auto-Calibration Of Pointing Devices Used In A Computer User Interface**

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 4 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a pointing device, does not reasonably provide enablement for calibrating for finger geometry. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to utilize the invention commensurate in scope with these claims. Automatically calibrating for finger geometry was not describe in the specification in a way to facilitate enablement of said feature.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Zimmerman et al. (6184865).**

**Title: Auto-Calibration Of Pointing Devices Used In A Computer User Interface**

4. **As in claim 1**, Zimmerman et al. teaches of a method for performing auto-calibration in a relative pointing device for a computer user interface, **column 11 lines 20-30**, the system comprising the steps of detecting whether or not the user is indicating a selection with the device by sensing a change in state from an out of presence state to an in presence state, **column 12 lines 15-33**; and using the detected indication to calibrate the device, **column 12 lines 15-33**. **As in claim 2**, Zimmerman et al. teaches of further comprising the steps of creating a profile of readings of the device for a plurality of detection, **figure 9, column 11 lines 35-65**; and using the profile to automatically calibrate a zero position for the device, **column 12 lines 15-33**. **As in claim 3**, Zimmerman et al. teaches of further comprising the steps of augmenting profiles of user use with special hardware features, **column 7 lines 47-67**, wherein polling is used to check for user activity.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6057750, 5521596, 5428355, 6115030.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

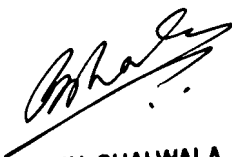
**Or:**

(703) 872-9314, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

**Or hand-delivered to:**

Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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**BIPIN SHALWALA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

Examiner: David L. Lewis

June 19, 2001